

COMES NOW, Michael Klinkhammer, Klinkhammer Law Offices, files this Brief Supporting Consented Unopposed Motion to Withdraw As Plaintiff's Attorney of Record.

The Plaintiff Rose Marie Butterfly consented to the motion to withdraw as attorney of record. See attached Exhibit 1. As indicated in the email attachment, the financial demands are beyond the Plaintiff's abilities. In addition, at seventy years of age and after having had COVID 19 at least one, Michael Klinkhammer and Klinkhammer Law Offices face health issues that may adversely impacting future representation. Finally, the Plaintiffs have insisted upon action on which there is a fundamental disagreement.

According to the Montana Rules of Professional Conduct, an attorney may withdraw as attorney of record in the following circumstances:

a. Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

1. the representation will result in violation of the Rules of Professional Conduct or other law;
2. the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client; or
3. the lawyer is discharged.

b. Except as stated in paragraph (c), a lawyer may withdraw from representing a client if:

1. withdrawal can be accomplished without material adverse effect on the interests of the client;
2. the client persists in a course of action involving the lawyer's services that the lawyer reasonably believes is criminal or fraudulent;
3. the client has used the lawyer's services to perpetrate a crime or fraud;
4. the client insists upon taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement;
5. the client fails substantially to fulfill an obligation to the lawyer regarding the

lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;

6. the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or

7. other good cause for withdrawal exists.

c. A lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating a representation. When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation.

Applied, first, the Plaintiff has consented to the withdrawal as attorney of records. Second, Plaintiff's legal counsel has had COVID 19 at least one and does not want health concerns to adversely affect his ability to represent the Plaintiff(s) in federal district court. Third, the Plaintiff has requested action on which Michael Klinkhammer and Klinkhammer Law Offices are in fundamental disagreement. Consequently, it is respectfully requested that the Court grant this motion. Finally, in support of the Defendant's legal counsel have indicated that the motion is unopposed. See attached Exhibit 2

Dated this 15 day of August, 2022.



Michael Klinkhammer
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I, Michael Klinkhammer, the undersigned certify that on the 15 day of August, 2022, the above captioned BRIEF SUPPORTING CONSENTED UNOPPOSED MOTION TO WITHDRAW AS PLAINTIFFS ATTORNEY OF RECORD was emailed and mailed to the following persons at the following addresses:

David M. McLean
Ryan C. Willmore
McLEAN & ASSOCIATES, PLLC
3301 Great Northern Ave., Suite 203
Missoula, Montana 59808
dave@mcleanlawmt.com
ryan@mcleanlawmt.com

Rose Butterfly
Joy Lynn Valle
519 4th Street S.
Great Falls, Montana 59406



Michael Klinkhammer

Michael Klinkhammer

From: Michael Klinkhammer <mklinkhammer@montanadsl.net>
Sent: Friday, August 12, 2022 9:01 PM
To: 'Rose Butterfly'
Subject: FW: Activity in Case 4:18-cv-00096-BMM Butterfly v. Benefis Health System et al Order Setting Hearing on Motion
Attachments: Defendant's Reply Brief on Joy Valle.pdf

Rose

The Judge set the matter for the dismissal of Joy Valle for hearing September 8, 2022. I have attached the reply brief filed.

In terms of discovery, they requested the facebook information. Did you email it and I missed it? Please remember we have a limited window to get that out.

In terms of your case, I am going to file the motion to withdraw as your attorney of record tomorrow. You consented to this recognizing the financial demands are beyond your needs. As I noted, I have had health issues including COVID 19 at least once and under the circumstances am withdrawing with your consent.

In terms of the invoice for services, I will send you an update, but, as I am withdrawing, I will not seek payment for any amount owed. I will provide you the information you need to work with the expert witness.

Sincerely
Michael Klinkhammer
Attorney at Law

From: MTD_CMECF@mtd.uscourts.gov <MTD_CMECF@mtd.uscourts.gov>
Sent: Wednesday, August 10, 2022 8:35 AM
To: MTD_CMECF@mtd.uscourts.gov
Subject: Activity in Case 4:18-cv-00096-BMM Butterfly v. Benefis Health System et al Order Setting Hearing on Motion

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

District of Montana

Notice of Electronic Filing

The following transaction was entered on 8/10/2022 at 8:35 AM MDT and filed on 8/10/2022

Case Name: Butterfly v. Benefis Health System et al



Michael Klinkhammer

From: Michael Klinkhammer <mklinkhammer@montanadsl.net>
Sent: Friday, August 12, 2022 9:03 PM
To: 'Ryan Willmore'
Subject: RE: Amended Plaintiffs Responses to Requests for Production .pdf

Ryan

I made the request again. I am moving to withdraw as attorney for record tomorrow. Ms. Butterfly has consented as well.

I hope you have a great weekend as well! However, like most attorneys, we will probably be working.

Mike

From: Ryan Willmore <ryan@mcleanlawmt.com>
Sent: Friday, August 12, 2022 2:50 PM
To: Michael Klinkhammer <mklinkhammer@montanadsl.net>; Dave McLean <dave@mcleanlawmt.com>
Cc: Cecelia Hamilton <cecelia@mcleanlawmt.com>
Subject: RE: Amended Plaintiffs Responses to Requests for Production .pdf

Mike,

I'm following up on my email below regarding the Facebook account data. Please let us know when we can expect the link to download.

Have a good weekend,

Thanks

Ryan

Ryan C. Willmore
Attorney at Law

McLean & Associates, PLLC
3301 Great Northern Ave., Suite 203
Missoula, MT 59808
Telephone: (406) 541-4440
Facsimile: (406) 540-4425
E-mail: ryan@mcleanlawmt.com

.....
DO NOT read, copy, or disseminate this communication unless you are the intended addressee. The e-mail communication contains confidential and/or privileged information intended only for the addressee. If you have received this communication in error, please call me (collect) immediately at (406) 541-4440. Please e-mail the sender and notify the sender immediately that you have received the communication in error.

From: Ryan Willmore <ryan@mcleanlawmt.com>
Sent: Tuesday, August 9, 2022 9:06 AM
To: Michael Klinkhammer <mklinkhammer@montanadsl.net>; Dave McLean <dave@mcleanlawmt.com>

